

Application No.: 10/729,752

Docket No.: MWS-034

**REMARKS**

In this Response, Applicants amend claims 1, 3, 5, 10, 32, 34, 36 and 38, and cancel claim 2 without prejudice. Claims 7-9 remain withdrawn. Claims 1, 3-6 and 10-46 are currently pending, of which claims 1, 10, 32 and 38 are independent.

Support for the amendments to claims 1 and 10 can be found at least in Applicants' specification at page 10, line 33 – page 11, line 2. Support for the amendments to claims 32 and 38 can be found at least in Applicants' specification at page 27, lines 10-19. No new matter has been added.

**I. Claim Rejections under 35 U.S.C. § 102**

Claims 1-6, 10-15, 19-25, 30 and 32-42 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,926,775 to Brumley et al. (hereafter "Brumley"). Applicants respectfully traverse the above 35 U.S.C. § 102(b) rejection of claims 1-6, 10-15, 19-25, 30 and 32-42 for at least the reasons set forth below.

**A. Claim 1**

Amended independent claim 1 recites:

In an electronic device a method for accessing an image acquisition device associated with the electronic device independent of an interface protocol of the image acquisition device, the method comprising the steps of,  
*receiving a request to access the image acquisition device, the request specifying a format for a response from the image acquisition device;*  
establishing a communication channel with the image acquisition device independent of the interface protocol of the image acquisition device; and  
*accessing a feature of the image acquisition device using the communication channel to receive the response in the specified format.*[emphasis added]

Claim 1 has been amended to recite "the request specifying a format for a response from the image acquisition device," and "to receive a response in the specified format." No new matter has been added.

Application No.: 10/729,752

Docket No.: MWS-034

Applicants respectfully submit that Brumley fails to disclose every feature of amended independent claim 1. For example, Brumley fails to disclose at least the following features of amended independent claim 1: *"receiving a request to access the image acquisition device, the request specifying a format for a response from the image acquisition device,"* and *"accessing a feature of the image acquisition device using the communication channel to receive the response in the specified format."*

Original claim 2, which is now canceled, recited that "the request specifies a format for a response from the image acquisition device." With regard to original claim 2, the Examiner states at page 3 of the Office Action:

"As to claim 2, Brumley teaches the request specifies a format for a response from the image acquisition (col 10, ln 56-67)."

Applicants disagree with the Examiner's statement because Brumley, contrary to the Examiner's interpretation, does not disclose the above feature. The cited portion of Brumley discusses that the *request* made by a DAQ user application for controlling a DAQ device can be in a specific format, as will be discussed by Applicants in more detail below. In contrast, claim 1 is directed to the format for a *response* from the image acquisition device. The request of Brumley is not the same as the response of claim 1. As such, Applicants respectfully submit that the cited portion of Brumley fails to disclose "receiving a request to access the image acquisition device, the request specifying a format for a response from the image acquisition device," as recited in amended claim 1.

Brumley relates to data acquisition (DAQ) driver level software executing in a DAQ system (Brumley, abstract). The DAQ driver level software receives calls from the DAQ user application and is executed to control the DAQ device (Brumley, abstract). The DAQ driver level software includes interpreters which perform functionality which is common for a plurality of DAQ devices (Brumley, abstract). The DAQ driver level software also includes mini-driver primitives each of which controls a hardware resource of the DAQ device (Brumley, abstract).

Brumley, at column 10, lines 56-67, recites:

Application No.: 10/729,752

Docket No.: MWS-034

"In step 226 the DAQ driver level software determines if the call is a vectored call. If the call is determined to not be a vectored call in step 226, then in step 228 the DAQ driver level software calls the C implementation of the function. In other words, in step 228 the DAQ driver level software begins execution of a function referenced by the call. Thus, if the call is not a vectored call, then a prior art DAQ driver level software architecture implementation is used when the call merely indexes to a respective function that is executed to accomplish the desired result."

Brumley, at column 10, lines 56-67, discusses the DAQ user application making a call to the DAQ driver level software to control the DAQ device (Brumley, column 10, lines 52-56). The DAQ driver level software determines whether the call is a vectored call (Brumley, column 10, lines 56-67). If the call is not a vectored call, then the DAQ driver level software begins execution of a function referenced by the call (Brumley, column 10, lines 56-67). Thus, this portion of Brumley discusses determining the format of the *call made to the DAQ device*. The call in Brumley does not specify a format for a *response from the DAQ device*.

In contrast, claim 1 requires specifying a format for a *response from the image acquisition device*. As such, Brumley fails to disclose "*receiving a request to access the image acquisition device, the request specifying a format for a response from the image acquisition device*," as recited in claim 1.

Brumley also fails to disclose "*accessing a feature of the image acquisition device using the communication channel to receive the response in the specified format*," as recited in amended claim 1. Since Brumley does not disclose that the DAQ device returns a response to the user application in a specified format, Applicants respectfully submit that Brumley also fails to disclose receipt of a response in the specified format.

As discussed above, Brumley does not disclose each and every element of claim 1. Accordingly, Applicants respectfully request the Examiner to reconsider and to withdraw the rejection of claim 1 under U.S.C. § 102(b).

Application No.: 10/729,752

Docket No.: MWS-034

**B. Claims 2-6**

Claims 3-6 depend from independent claim 1 and, as such, incorporate all of the elements of claim 1. Accordingly claims 3-6 are allowable for at least the reasons set forth above with respect to claim 1. Applicants respectfully request reconsideration and allowance of claims 3-6.

Claim 2 is canceled. Thus, the above 35 U.S.C. § 102(b) rejection of claim 2 is moot.

**C. Claim 10**

Amended independent claim 10 recites:

A method performed in an electronic device for communicating with a selected image acquisition device associated with the electronic device, the method comprising the steps of,  
*establishing a first communication link between a user of the electronic device and an image acquisition engine, the image acquisition engine generating a response in a user-specified format; and*  
establishing a second communication link between the image acquisition engine and an interface of the selected image acquisition device using a communication channel operating independent of an interface protocol of the selected image acquisition device to allow the user to communicate with the selected image acquisition device. [emphasis added]

Claim 10 has been amended to recite "the image acquisition engine generating a response in a user-specified format." No new matter has been added.

Applicants respectfully submit that Brumley fails to disclose at least the following feature of amended independent claim 10: "*establishing a first communication link between a user of the electronic device and an image acquisition engine, the image acquisition engine generating a response in a user-specified format.*" As discussed above in connection with claim 1, Brumley does not disclose that the DAQ device returns a response to the user application in a user-specified

Application No.: 10/729,752

Docket No.: MWS-034

format. Therefore, Brumley cannot disclose this feature of claim 10. Applicants respectfully request reconsideration and allowance of claim 10.

**D. Claims 11-14, 19-25 and 30**

Claims 11-14, 19-25 and 30 depend from independent claim 10 and, as such, incorporate all of the elements of claim 10. Accordingly claims 11-14, 19-25 and 30 are allowable for at least the reasons set forth above with respect to claim 10. Applicants respectfully request reconsideration and allowance of claims 11-14, 19-25 and 30.

**E. Claim 32**

Amended independent claim 32 recites:

A device readable medium holding device executable instructions for performing a method in an electronic device for accessing an image acquisition device associated with the electronic device independent of an interface protocol of the image acquisition device, the method comprising the steps of,

*providing information on available types of triggers supported by the image acquisition device;*

accepting a request to access the image acquisition device;  
creating a communication channel with the image acquisition device independent of the interface protocol of the image acquisition device; and

accessing a feature of the image acquisition device using the communication channel. [emphasis added]

Claim 32 has been amended to recite "providing information on available types of triggers supported by the image acquisition device." No new matter has been added.

Applicants respectfully submit that Brumley fails to disclose every feature of amended independent claim 32. For example, Brumley fails to disclose at least the following feature of amended independent claim 32: "*providing information on available types of triggers supported by the image acquisition device.*"

Application No.: 10/729,752

Docket No.: MWS-034

As discussed above, Brumley relates to data acquisition (DAQ) driver level software executing in a DAQ system (Brumley, abstract). The DAQ driver level software receives calls from the DAQ user application and is executed to control the DAQ device (Brumley, abstract). However, Brumley is silent with respect to available types of triggers supported by a particular DAQ device. As discussed on page 25, lines 30-33 of Applicants' specification, a trigger may be an action that causes acquisition of one or more images. Brumley does not discuss triggers at all. Therefore, Brumley cannot disclose providing information on available types of triggers supported by an image acquisition device, as required by claim 32.

As discussed above, Brumley does not disclose each and every element of claim 32. Accordingly, Applicants respectfully request the Examiner to reconsider and to withdraw the rejection of claim 32 under U.S.C. § 102(b).

**F. Claims 33-37**

Claims 33-37 depend from independent claim 32 and, as such, incorporate all of the elements of claim 32. Accordingly claims 33-37 are allowable for at least the reasons set forth above with respect to claim 32. Applicants respectfully request reconsideration and allowance of claims 33-37.

**G. Claim 38**

Amended independent claim 38 recites:

A program holding product having instructions executable by an electronic device which, when executed by a processor of the electronic device allows a user of the electronic device to communicate with a selected image acquisition device associated with the electronic device by performing the steps of,  
interfacing a user of the electronic device with an image acquisition engine;

linking the image acquisition engine and an interface of the selected image acquisition device using a communication channel operating independent of an interface protocol of the selected image acquisition device allowing the user to communicate with the selected image acquisition device; and

Application No.: 10/729,752

Docket No.: MWS-034

*providing information to the user on available types of triggers supported by the selected image acquisition device.*  
[emphasis added]

Claim 38 has been amended to recite "providing information to the user on available types of triggers supported by the selected image acquisition device." No new matter has been added.

Applicants respectfully submit that Brumley fails to disclose at least the following feature of amended independent claim 38: "*providing information to the user on available types of triggers supported by the selected image acquisition device.*" As discussed above in connection with claim 32, Brumley does not address available types of triggers supported by a specific DAQ device. Therefore, Brumley cannot disclose this feature of claim 38. Applicants respectfully request reconsideration and allowance of claim 38.

#### H. Claims 39-42

Claims 39-42 depend from independent claim 38 and, as such, incorporate all of the elements of claim 38. Accordingly claims 39-42 are allowable for at least the reasons set forth above with respect to claim 38. Applicants respectfully request reconsideration and allowance of claims 39-42.

#### II. Claim Rejections under 35 U.S.C. § 103

##### A. Claims 15, 16, 18, 26-29, 43-44 and 46

Claims 15, 16, 18, 26-29, 43-44 and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brumley in view of U.S. Patent 6,614,916 to MacDonald (hereafter "MacDonald"). Applicants respectfully traverse the above 35 U.S.C. § 103(a) rejection of claims 15, 16, 18, 26-29, 43-44 and 46 for at least the reasons set forth below.

Application No.: 10/729,752

Docket No.: MWS-034

Claims 15, 16, 18 and 26-29 depend from and include the features of claim 10.  
Claims 43, 44 and 46 depend from and include the features of claim 38.

Brumley has been summarized above in the rejection of claim 1.

Brumley fails to disclose or suggest the features of claim 10, because the reference does not disclose or suggest that the DAQ device returns a response to the user application in a user-specified format. Brumley also fails to disclose or suggest the features of claim 38, because the reference does not disclose or suggest available types of triggers supported by a specific DAQ device. The teachings of MacDonald do not supplement Brumley in such a way as to cure the failure of Brumley to disclose or suggest the above features of claims 15, 16, 18, 26-29, 43-44 and 46.

The MacDonald reference relates to a machine vision system and associated triggering method which uses images acquired by a video camera to trigger the video camera (MacDonald, abstract). An image feature of interest is acquired from a triggered video camera (MacDonald, abstract). The video camera continuously acquires images of an object using a portion of the total field of view of the video camera (MacDonald, abstract). The acquired images are compared to a signature image (MacDonald, abstract). In response to determining that one or more of the acquired images matches the signature, the video camera is triggered to acquire a full-frame image which contains the feature of interest (MacDonald, abstract).

MacDonald does not disclose or suggest an image acquisition engine returning a response in a user-specified format, as required by claim 10. MacDonald addresses machine vision system triggering that eliminate the need for triggering hardware separate from the video camera used to acquire the image, e.g. triggering using a signature image (MacDonald, abstract). However, MacDonald does not disclose or suggest providing information to the user on available types of triggers supported by the selected image acquisition device, as required by claim 38.

Therefore, Brumley and MacDonald, alone or in any reasonable combination, do not support a valid 35 U.S.C. § 103(a) rejection of claims 15, 16, 18, 26-29, 43-44 and



Application No.: 10/729,752

Docket No.: MWS-034

46. Accordingly, Applicants respectfully request reconsideration and allowance of claims 15, 16, 18, 26-29, 43-44 and 46.

**B. Claims 17, 31 and 45**

Claims 17, 31 and 45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brumley in view of U.S. Patent 5,201,027 to Casini (hereafter "Casini"). Applicants respectfully traverse the above 35 U.S.C. § 103(a) rejection of claims 17, 31 and 45 for at least the reasons set forth below.

Claims 17 and 31 depend from and include the features of claim 10. Claim 45 depends from and includes the features of claim 38.

Brumley has been summarized above in the rejection of claim 1.

Brumley fails to disclose or suggest the features of claim 10, because the reference does not disclose or suggest that the DAQ device returns a response to the user application in a user-specified format. Brumley also fails to disclose or suggest the features of claim 38, because the reference does not disclose or suggest available types of triggers supported by a specific DAQ device. The teachings of Casini do not supplement Brumley in such a way as to cure the failure of Brumley to disclose or suggest the above features of claims 17, 31 and 45.

The Casini reference relates to imprinting screen-process printing stencils (Casini, abstract). An electronic device is provided for the color acquisition of the image of a color design so as to obtain information in a digital format stored on a magnetic support (Casini, abstract). A computer is provided for the management of the data stored on the magnetic support, e.g. selecting the fundamental colors, changing or superimposing them, with simultaneous on-screen display or printout on paper (Casini, abstract).

Casini does not disclose or suggest an image acquisition engine generating a response in a user-specified format, as required by claim 10. Casini also does not

Application No.: 10/729,752

Docket No.: MWS-034

disclose or suggest providing information to the user on available types of triggers supported by the selected image acquisition device, as required by claim 38.

Therefore, Brumley and Casini, alone or in any reasonable combination, do not support a valid 35 U.S.C. § 103(a) rejection of claims 17, 31 and 45. Accordingly, Applicants respectfully request reconsideration and allowance of claims 17, 31 and 45.

Application No.: 10/729,752

Docket No.: MWS-034

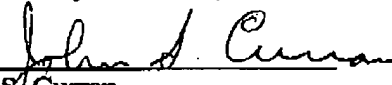
**CONCLUSION**

In light of the above amendments and arguments, Applicants respectfully submit that all of the pending claims are in condition for allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. MWS-034. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: February 20, 2008

Respectfully submitted,

By   
John S. Curran  
Registration No.: 50,445  
LAHIVE & COCKFIELD, LLP  
One Post Office Square  
Boston, Massachusetts 02109-2127  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent For Applicant